

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PEDRO ORTIZ,

Plaintiff,

-v-

No. 07 Civ. 8030 (LTS)(KNF)

LOCAL 32BJ,

Defendant.

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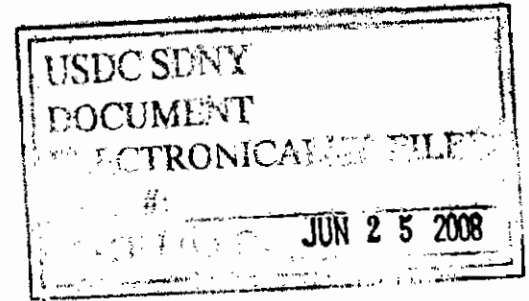
LAURA TAYLOR SWAIN, United States District Judge

**ORDER ADOPTING REPORT & RECOMMENDATION**

The Court has reviewed Magistrate Judge Fox's May 21, 2008, Report and Recommendation (the "Report") which recommends that Defendant's motion to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) be granted. No objections to the Report have been received.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(C) (West 1993). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record. "In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Johnson v. New York University School of Education, No. 00 Civ. 8117, at \*1, 2003 WL 21433443 (S.D.N.Y. June 16, 2003).

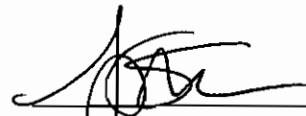
The Court has reviewed carefully Magistrate Judge Fox's thorough Report and



Recommendation and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein. Accordingly, Defendant's motion to dismiss the complaint is granted. This Order resolves docket entry no. 18.

SO ORDERED.

Dated: New York, New York  
June 25, 2008

  
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LAURA TAYLOR SWAIN  
United States District Judge